

COPY

Attorney Dkt. 8402.308

PATENT

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

- ☒ original
- ☐ design
- ☐ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

- ☐ national stage of PCT

NOTE: If one of the following three items applies, then check and also complete section entitled "CLAIM FOR BENEFIT UNDER 35 U.S.C. § 120."

- ☐ divisional
- ☐ continuation
- ☒ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

DECORATING ASSEMBLY FOR A FLORAL GROUPING

SPECIFICATION IDENTIFICATION

the specification of which:

- (a) ☐ is attached hereto.
- (b) ☒ was filed on April 11, 1997 as ☒ Serial No. 08/827,852 or ☐ Express Mail No. _____, as Serial No. not yet known, and was amended on _____ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO and which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

- (c) ☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ (if any).

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority under 35 U.S.C. § 119, complete and attach EXHIBIT 1, FOREIGN PRIORITY CLAIM UNDER 35 U.S.C. § 119.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56,

(also check the following items, if desired)

- ☒ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- ☐ in compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR § 1.98.

CLAIM FOR BENEFIT UNDER 35 U.S.C. § 120

NOTE: Complete this part only if this is a divisional, continuation or CIP application.

I hereby claim the benefit under Title 35, United States Code, Section 120, of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 120:				
U.S. APPLICATIONS			Status (check one)	
U.S. SERIAL NO.	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
08/468,178	06/05/95	X		
08/427,014	04/24/95	X		
07/941,992	09/08/92	X		
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLN. NO.	PCT FILING NO.	U.S. SERIAL NO.		

FOREIGN PRIORITY CLAIM UNDER 35 U.S.C. § 119

(complete one of the following)

- [X] I claim no foreign priority benefits under Title 35 U.S.C. § 119 of foreign application(s) for patent or inventor's certificate or of any PCT international application; or
- [] I claim foreign priority benefits under Title 35 U.S.C. § 119, as indicated in ADDED PAGE FOR FOREIGN PRIORITY CLAIM UNDER 35 U.S.C. § 119 attached hereto as Exhibit 1.

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Jerry J. Dunlap, Reg. No. 17,146; Charles A. Coddling, Reg. No. 25,099; Christopher W. Corbett, Reg. No. 36,109; Nicholas D. Rouse, Reg. No. 36,992; Glen M. Burdick, Reg. No. 24,230; and Sue E. Corbett, Reg. No. 38,850; all of the firm of DUNLAP & CODDING, P.C., 9400 North Broadway, Suite 420, Oklahoma City, Oklahoma 73114.

Address all correspondence to: Charles A. Coddling, Reg. No. 25,099
DUNLAP & CODDING, P.C.
9400 North Broadway, Suite 420
Oklahoma City, Oklahoma 73114
(405) 478-5344

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURES

Full Name of Sole
or First Inventor:

Donald E. Weder

Inventor's Signature:



Date of Signature:

2/25/97

Residence and
Post Office Address:

1111 Sixth Street

Highland, Illinois 62249

Country of Citizenship:

U.S.A.

Full Name of Second
Joint Inventor:

William F. Straeter

Inventor's Signature:



Date of Signature:

9-25-97

Residence and
Post Office Address:

9419 Quarry Road

Breese, Illinois 62230

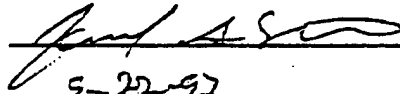
Country of Citizenship:

U.S.A.

Full Name of Third
Joint Inventor:

Joseph G. Straeter

Inventor's Signature:



Date of Signature:

9-22-97

Residence and
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Highland, Illinois 62249

Country of Citizenship:

U.S.A.

Full Name of Fourth
Joint Inventor:

Michael J. King

Inventor's Signature:

Michael J. King

Date of Signature:

9/18/97

Residence and
Post Office Address:

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Staunton, Illinois 62088

Country of Citizenship:

U.S.A.

Full Name of Fifth
Joint Inventor:

Franklin J. Craig

Inventor's Signature:

Franklin J. Craig

Date of Signature:

9/18/97

Residence and
Post Office Address:

90 Inez Avenue

Valley Park, Missouri 63088

Country of Citizenship:

U.S.A.

Full Name of Sixth
Joint Inventor:

Michael R. Klemme

Inventor's Signature:

Michael R. Klemme

Date of Signature:

9-22-97

Residence and
Post Office Address:

Route 2, Box 559

Collinsville, Illinois 62234

Country of Citizenship:

U.S.A.

EXPRESS MAIL NO.: EV 272909238 US
DATE DEPOSITED: August 28, 2003

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Donald E. Weder et al.) Dkt. No.: 8403.965
)
Serial No.: Not Yet Assigned) Art Unit: 3644
)
Filed: Herewith) Examiner: Francis T.
) Palo
For: DECORATIVE ASSEMBLY FOR SUPPORTING)
A FLORAL GROUPING)

Mail Stop Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b)

Sir:

Charles A. Coddington, having a mailing address of 9400 N. Broadway, Suite 420, Oklahoma City, Oklahoma 73114, in the County of Oklahoma and the State of Oklahoma, represents that he is the Authorized Signatory for Southpac Trust International Inc., not individually, but as trustee of The Family Trust U/T/A dated December 8, 1995.

Southpac Trust International, Inc., not individually, but as trustee of The Family Trust U/T/A dated December 8, 1995, owns one hundred percent (100%) of the right, title and interest in and to the above identified patent application U.S. Serial No. **10/447,601**, filed on **May 29, 2003**, assignment

filed **November 3, 1997**, Reel/Frame **8788/0564**.

09/02/2003 STEUHEL1 00000038 041700 10630374

01 FC:1014 110.00 DA

Southpac Trust International, Inc., not individually, but as trustee of The Family Trust U/T/A dated December 8, 1995, owns one hundred percent (100%) of the right, title and interest in and to the above identified patent application U.S. Serial No. **10/353,878**, filed on **January 28, 2003**, assignment filed **November 3, 1997**, Reel/Frame **8788/0564**.

Southpac Trust International, Inc., not individually, but as trustee of The Family Trust U/T/A dated December 8, 1995, owns one hundred percent (100%) of the right, title and interest in and to the above identified patent application U.S. Patent No. **6,601,343**, issued on **August 5, 2003**, assignment filed **November 3, 1997**, Reel/Frame **8788/0564**.

Southpac Trust International, Inc., not individually, but as trustee of The Family Trust U/T/A dated December 8, 1995, owns one hundred percent (100%) of the right, title and interest in and to U.S. Patent No. **6,453,612**, Issued **September 24, 2002**, assignment filed **November 3, 1997**, Reel/Frame **8788/0564**.

Southpac Trust International, Inc., not individually, but as trustee of The Family Trust U/T/A dated December 8, 1995, owns one hundred percent (100%) of the right, title and interest in and to U.S. Patent No. **5,937,576**, Issued **August 17, 1999**, assignment filed **November 3, 1997**, Reel/Frame **8788/0564**.

The assignment documents relating to U.S. Patent No. **6,601,343** have been reviewed and certified by Petitioner/Assignee and, to the best of

Petitioner/Assignee's knowledge and belief, title is in the Petitioner/Assignee seeking to take this action.

Petitioner/Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the earlier of the full statutory term defined in 35 U. S. C. § § 154-156 and 173, and of the term as presently shortened by any terminal disclaimers of the term of U.S. Patent No. **5,937,576**.

Petitioner/Assignee further agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. **5,937,576**.

This agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner/Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the earlier of the term defined in 35 U. S. C. § § 154-156 and 173, and of the term as presently shortened by any terminal disclaimers of U.S. Patent No. **5,937,576** in the event that said U.S. Patent No. **5,937,576** later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is

otherwise not deemed to provide the rights conveyed by 35 U.S.C. §§ 154-156 and 173 prior to the expiration of the full statutory term(s) as presently shortened by any terminal disclaimer(s), except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SOUTHPAC TRUST INTERNATIONAL, INC., NOT
INDIVIDUALLY, BUT AS TRUSTEE OF THE FAMILY
TRUST U/T/A DATED DECEMBER 8, 1995

(Date)

By: _____
Charles A. Coddington, Authorized
Signatory for Southpac Trust
International, Inc., not
individually, but as trustee
9400 N. Broadway, Suite 420
Oklahoma City, Oklahoma 73114
(405) 478-5344

otherwise not deemed to provide the rights conveyed by 35 U.S.C. §§ 154-156 and 173 prior to the expiration of the full statutory term(s) as presently shortened by any terminal disclaimer(s), except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SOUTHPAC TRUST INTERNATIONAL, INC., NOT
INDIVIDUALLY, BUT AS TRUSTEE OF THE FAMILY
TRUST U/T/A DATED DECEMBER 8, 1995

8/28/03
(Date)

By: Charles A. Coddling
Charles A. Coddling, Authorized
Signatory for Southpac Trust
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individually, but as trustee
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EXPRESS MAIL NO.: EV 272909241 US
DATE DEPOSITED: August 28, 2003

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

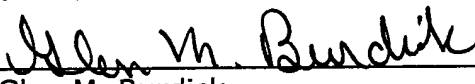
In re application of: Donald E. Weder et al. Atty. Dkt. No.: 8403.864
Serial No.: 10/447,601 Group No.: 3644
Filed: May 29, 2003 Examiner: F. Palo
Title: DECORATIVE ASSEMBLY FOR SUPPORTING A
FLORAL GROUPING

MAIL STOP - Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

**NOTIFICATION OF FILING OF CONTINUING
OR DIVISIONAL APPLICATION**

Notification is hereby being made of the filing of a:

- ☒ continuation (Attorney Docket No.: 8403.965
☐ continuation-in-part
☐ divisional application for this case
☐ concurrently herewith
☒ on August 28, 2003.
(date)


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Attorney for Applicants

CERTIFICATE UNDER 37 CFR 3.73(b)

Applicant: Donald E. Weder et al. Atty. Dkt. No.: 8403.965

Application No.: Not Yet Assigned Filed: Herewith

For: DECORATIVE ASSEMBLY ^{FOR} SUPPORTING A FLORAL GROUPING

SOUTHPAC TRUST INTERNATIONAL, INC., NOT
INDIVIDUALLY, BUT AS TRUSTEE OF THE FAMILY
TRUST U/T/A DATED DECEMBER 8, 1995

Name of Assignee

Corporation

Type of Assignee

certifies that it is the Assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 8788, Frames 0564 on November 3, 1997.

OR

B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the Patent and Trademark Office at Reel __,
Frame ____.

2. From: _____ To: _____

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 8/28/03

Name: Charles A. Coddling

Title: Authorized Signatory for Southpac Trust International Inc., not
individually, but as trustee of the Family Trust U/T/A dated December 8, 1995

Signature: 